REMARKS

Claims 1 to 23 are pending in the application. Claims 1 and 10 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indication that claim 21 contains allowable subject matter.

In the Office Action, several claims were objected to for putting an adjective (e.g., "mapping", "signaling", etc.) in front of the term "means". Applicants submit that this is an acceptable way of defining claim terms. Nevertheless, in order to advance prosecution, Applicants have deleted the words objected to by the Examiner. Accordingly, withdrawal of the objects is respectfully requested.

Claims 1 to 20, 22, and 23 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,018,528 (Gitlin) in view of U.S. Patent No. 3,963,609 (Waldeck). As shown above, Applicants have amended the claims to define the invention with greater clarity. In view of these clarifications, withdrawal of the art rejection is respectfully requested.

Amended independent claim 1 defines a method that includes specifying one or more first transport formats for first services and a second transport format for a second service, where the first services have higher data rate dynamics than the second service, and transmitting a combination of data for the first services and data for the second service over a first channel based on the first transport formats and the second transport format. The method also includes signaling, in-band in the first channel, the one or more first transport formats for the first

services, and signaling, in a second channel, the second transport format for the second service. The first channel and the second channel comprise separate channels.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1, particularly with respect to transmitting data for first and second services in a first channel, signaling one or more first transport formats for the first services in-band in the first channel, and signaling a second transport format for the second service in a second, separate channel.

In this regard, Gitlin describes a standard TDMA system in which time slots of a frame are allocated to different users. Within a time slot, data may be transmitted at different rates. In particular, a header 26 is transmitted at a lower bit rate than a data field 27 (see, e.g., Fig. 4 of Gitlin and column 2, lines 36 to 40). Page 3 of the Office Action equates this transmission scenario to first and second services having different data rate dynamics. Applicants respectfully disagree with this characterization of Gitlin. That is, in Gitlin, data that is transmitted at different bit rates is not for different services, but rather is different data transmitted for a single service.

Waldeck was said to disclose the signaling aspects of claim 1. In particular, column 2, lines 14 to 23 were said to disclose signaling channels. Column 4, line 64 to column 5, line 5 was said to disclose different data rate dynamics. As Applicants understand it, however, Waldeck describes transmitting voice over a path 4 and signaling over a different path 10 (see, e.g., Fig. 1 of Waldeck and column 2, lines 11 to 21). The signaling information is transmitted over a separate voice channel that is subdivided using TDM or FDM. Thus, in Gitlin, the data (i.e., the voice) is transmitted over a channel that is separate from the signaling information. By contrast, in the invention of claim 1, a combination of data for first and second services is

transmitted over one channel, signaling information for the first services (having high data rate dynamics) is also transmitted over the first channel, and signaling information for the second services (having lower data rate dynamics) is transmitted in a second, separate channel.

Accordingly, even if Waldeck were combined with Gitlin in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest the foregoing features of claim 1. Accordingly, claim 1 is believed to be patentable.

Amended independent claim 9 is an apparatus claim that contains features similar to claim 1 and, therefore, is also believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please charge fees associated with this Amendment, including claims fees, to Deposit Account No. 06-1050 referencing Attorney Docket No. 12758-026001.

Respectfully submitted,

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